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AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of :
Needham et al. : DECISION ON PETITION
Application No. 09/912,427 :
Filed: July 26, 2001 :
Attorney Docket No. 042390.P11167 :

This is a decision on the petition filed April 6, 2004, requesting that the above-identified application be accorded a filing date of July 26, 2001.

On July 26, 2001, applicants filed the above-identified application. However, on October 3, 2001, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts in a Nonprovisional Application," stating, inter alia, that the application had been accorded a filing date of July 26, 2001, and advising applicants that Figure 3 described in the specification appeared to have been omitted.

In response, on October 23, 2001, applicants submitted, inter alia, a Request for Approval of Drawing Corrections, which included a copy of omitted Figure 3. Applicants explained that no new matter was added to the application by introducing Figure 3. However, applicants did not submit a petition and petition fee to accept the later filing date or file an amendment with Figure 3. After receipt of Figure 3, the Office of Initial Patent Examination changed the filing date of the present application to October 23, 2001, the date of receipt of omitted Figure 3.

On April 6, 2004, applicants submitted the present petition, the petition fee, and a preliminary amendment canceling Figure 3 and related text in the specification. Applicants request that

Figure 3 be withdrawn and the application be accorded the original filing date of July 26, 2001.

The petition is granted. The drawing sheet containing Figure 3, filed on October 23, 2001, is withdrawn and will not be entered.

The Office of Initial Patent Examination is directed to process the application with a filing date of **July 26, 2001**, using only the drawing sheets (Figures 1, 2(A) and 2(B)) submitted on that date. Figure 3 will NOT be entered. The Office is further directed to mail a corrected filing receipt and indicate in the Office records that three(3) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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